

DATE: June 8, 2006

TO: John M. Lamerato, Acting City Manager

FROM: Brian P. Murphy, Assistant City Manager/Services
Mark Stimac, Director of Building & Zoning

SUBJECT: Agenda Item - Announcement of Public Hearing
Commercial Vehicle Appeal
1868 Welling Drive

On May 12, 2006, information was sent to the owner of the property at 1868 Welling that identified restrictions related to a commercial vehicle located on that residential property. As part of that information, she was advised that the Chevrolet dump truck parked on the property did not comply with the exceptions found in Chapter 39, Section 40.66.00. She was given the option to remove the vehicle or appeal to City Council for relief of the Ordinance.

In response to our letters, Mr. Dave Werner has filed an appeal. The appeal requests that a public hearing date be held in accordance with the ordinance. A public hearing has been scheduled for your meeting of July 10, 2006.

Should you have any questions or require additional information, kindly advise.

Attachments

Prepared by: Mark Stimac, Director of Building and Zoning

**COMMERCIAL VEHICLE
APPEAL APPLICATION**

Request is hereby made for permission to keep a commercial vehicle(s) as described below, on the following residential zoned site:

NAME: DAVE WERNER

ADDRESS: 1868 WELLING DRIVE

CITY: Troy MI. ZIP: 48085 PHONE: 248 689-1857

ADDRESS OF SITE: 1868 WELLING DRIVE

NUMBER OF VEHICLES: 1

VEHICLE IDENTIFICATION NUMBER(S)
1GBM7H1555106741

LICENSE PLATE NUMBER(S) 2541BB

DESCRIPTION OF VEHICLE(S) CHEVY DUMP TRUCK

NOTE: PHOTOGRAPHS WERE NOT AVAILABLE FROM PHOTO PROCESSING.

A, B) U.S. DEPARTMENT OF TRANSPORTATION REQUIRE M
REASON FOR APPEAL (see A - D below) TO STOP AND PARK VEHICLE AFTER 11 HRS OF
DRIVE TIME OR AFTER WORKING MORE THAN 14 HOURS. CAN NOT DRIVE
C) TO TALL TO FIT INTO GARAGE, HAVE A SHED IN BACK YARD
D) WHEN VEHICLE IS PARKED ON DRNEWAY, DOES NOT EFFECT SIDE WALK
TRAFFIC OR VEHICULAR MOVEMENT ON WELLING

THE APPLICANT IS AWARE OF THE REQUIRED FINDINGS WHICH ARE STATED IN THE FOLLOWING:

44.02.01 ACTIONS TO GRANT APPEALS ... SHALL BE BASED UPON AT LEAST ONE OF THE FOLLOWING FINDINGS BY THE CITY COUNCIL:

- A. The occurrence of the subject commercial vehicle on the residential site involved is compelled by parties other than the owner or occupant of the subject residential site (e.g. employer).
- B. Efforts by the applicant have determined there are no reasonable or feasible alternative locations for parking of the subject commercial vehicle.
- C. A garage or accessory building on the subject site cannot accommodate, or cannot reasonably be constructed or modified to accommodate the subject commercial vehicle
- D. The location available on the residential site for the outdoor parking of the subject commercial vehicle is adequate to provide for such parking in a manner that will not negatively impact adjacent residential properties, and will not negatively impact pedestrian and vehicular movement along the frontage street(s).

COMMERCIAL VEHICLE APPEAL APPLICATION

40.02.2. The City Council may grant appeals in relation to the type, character or number of commercial vehicles to be parked outdoors in Residential Districts for an initial period not to exceed two (2) years, and may thereafter extend such actions for a similar period.

Supporting data, attached to the application, shall include: a plot plan, drawn to scale, a description and location of the vehicle(s) and a photo of the vehicle on-site..

David M Werner

(signature of applicant)

STATE OF MICHIGAN

COUNTY OF Macomb

On this 25 day of May, 2006 before me personally appeared the above named person who depose and sayeth that he/she signed this application with full knowledge of its contents and that all matters stated therein are true.

Jennifer L Cataldo

Notary Public, County, Michigan

My Commission Expires: JENNIFER L. CATALDO
NOTARY PUBLIC MACOMB CO., MI
MY COMMISSION EXPIRES Nov 10, 2007

